

SIXTY-FIRST LEGISLATURE - REGULAR SESSION

SIXTY SIXTH DAY

House Chamber, Olympia, Wednesday, March 18, 2009

The House was called to order at 10:00 a.m. by the Speaker (Representative Moeller presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Emily Estabrook and Carolyn Maples. The Speaker (Representative Moeller presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Flannigan.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

RESOLUTION

HOUSE RESOLUTION NO. 2009-4638, by Representative Carlyle

WHEREAS, Seattle's first newspaper, the Seattle Post-Intelligencer, was founded in 1863 and has invigorated our democracy, fought public and private sector corruption, nourished the cause of fairness and equality, and elevated our state's public dialogue about critical issues; and

WHEREAS, The newspaper's talented, eclectic, and dedicated writers were its soul, and the Seattle P-I's historic significance flows from these ink-stained women and men and their uncompromising pursuit of the truth, of democratic values, and of stellar, inspired writing; and

WHEREAS, The Seattle P-I both informed us about compelling issues that affected the people of the Pacific Northwest and challenged various institutional bullies and heavyweights regardless of the outcome; and

WHEREAS, The staff of the Seattle P-I won Pulitzer Prizes and other distinguished awards that reflected the newspaper's honorable pursuit of the public interest; and

WHEREAS, It is in the public interest of Seattle, Washington state, and the nation to have a vigilant, independent media industry as was epitomized by the Seattle P-I and other such truth-seeking organizations; and

WHEREAS, Though the iconic globe atop the Seattle P-I's waterfront headquarters represents a new generation of news and information technology, the Seattle P-I will forever represent the best ideals of an engaged citizenry and world class journalism regardless of form;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Washington recognize the Seattle Post-Intelligencer's distinguished history of service,

its legacy as a platform for debate, investigation, and public information, and its role in having breathed life into the civic culture of the Pacific Northwest.

Representative Carlyle moved adoption of House Resolution No. 4638.

Representatives Carlyle and Ericksen spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4638 was adopted.

There being no objection, the House advanced to the fourth order of business.

INTRODUCTION & FIRST READING

HB 2314 by Representatives Seaquist, Rolfes, Smith, Bailey, Nelson, Angel, Green, Finn, Kagi, Appleton, Warnick, Johnson and Haigh

AN ACT Relating to ferry system accountability; adding a new section to chapter 47.60 RCW; and creating a new section.

Referred to Committee on Transportation.

There being no objection, the bill listed on the day's introduction sheet under the fourth order of business was referred to the committee so designated.

REPORTS OF STANDING COMMITTEES

March 17, 2009

SSB 5009 Prime Sponsor, Committee on Labor, Commerce & Consumer Protection: Creating a military service exemption for benefits charged to the experience rating accounts of employers. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chair; Wood, Vice Chair; Condotta, Ranking Minority Member; Chandler; Crouse; Green; Moeller and Williams.

Passed to Committee on Rules for second reading.

March 17, 2009

SB 5125 Prime Sponsor, Senator Hewitt: Concerning the Washington horse racing commission Washington bred owners' bonus fund and breeder awards account. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chair; Wood, Vice Chair; Condotta, Ranking Minority Member; Chandler; Crouse; Green; Moeller and Williams.

Referred to Committee on General Government Appropriations.

March 16, 2009

SB 5153 Prime Sponsor, Senator Kline: Creating the uniform foreign-country money judgments recognition act. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended.

On page 4, line 2, after "involved a" strike all material through "relief]" on line 3 and insert "cause of action"

On page 4, line 6, after "involved a" strike all material through "relief]" on line 7 and insert "cause of action"

Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Flannigan; Kelley; Kirby; Ormsby; Roberts and Warnick.

Passed to Committee on Rules for second reading.

March 16, 2009

SSB 5171 Prime Sponsor, Committee on Judiciary: Modifying the Washington principal and income act of 2002. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended.

On page 2, beginning on line 10, after "payment" strike "as of the first business day of the accounting period" and insert "((as of the first business day of the accounting period)) according to the most recent statement of value preceding the beginning of the accounting period"

On page 3, line 8, after "equal" strike "three" and insert "four"

On page 3, beginning on line 20, strike all of section 2

Renumber the remaining sections consecutively and correct any internal references accordingly.

Correct the title.

Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Flannigan; Kelley; Kirby; Ormsby; Roberts and Warnick.

Passed to Committee on Rules for second reading.

March 16, 2009

SB 5233 Prime Sponsor, Senator Delvin: Addressing county elected officials keeping offices at the county seat. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Angel, Ranking Minority Member; Cox, Assistant Ranking Minority Member; Miloscia; Short; Springer; Uptegrove; White and Williams.

Passed to Committee on Rules for second reading.

March 16, 2009

SSB 5267 Prime Sponsor, Committee on Government Operations & Elections: Regarding the issuance of checks by joint operating agencies and public utility districts. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Angel, Ranking Minority Member; Cox, Assistant Ranking Minority Member; Miloscia; Short; Springer; Uptegrove; White and Williams.

Passed to Committee on Rules for second reading.

March 16, 2009

SB 5322 Prime Sponsor, Senator Fairley: Creating a five-member option for civil service commissions for sheriffs' offices. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Angel, Ranking Minority Member; Cox, Assistant Ranking Minority Member; Miloscia; Short; Springer; Uptegrove; White and Williams.

Passed to Committee on Rules for second reading.

March 16, 2009

SB 5374 Prime Sponsor, Senator Fairley: Regarding the board of directors of an air pollution control authority. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Angel, Ranking Minority Member; Cox, Assistant Ranking Minority Member; Miloscia; Short; Springer; Upthegrove; White and Williams.

Passed to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

MESSAGE FROM THE SENATE

March 17, 2009

Mr. Speaker:

The President has signed SENATE BILL NO. 5221 and the same is herewith transmitted.

Thomas Hoemann, Secretary

SECOND READING

SUBSTITUTE SENATE BILL NO. 5130, by Senate Committee on Human Services & Corrections (originally sponsored by Senators Carrell, Hargrove, Swecker, Hatfield, Holmquist, Brandland, Sheldon, Tom, King, Hobbs, McCaslin, Stevens and Marr)

Regarding prisoner access to public records.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on State Government & Tribal Affairs was not adopted. (For Committee amendment, see Journal, Day 65th, March 18, 2009.)

Representative Armstrong moved the adoption of amendment (430):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 42.56 RCW to read as follows:

(1) The inspection or copying of any nonexempt public record by persons serving criminal sentences in state, local, or privately operated correctional facilities may be enjoined pursuant to this section.

(a) The injunction may be requested by: (i) An agency or its representative; (ii) a person named in the record or his or her representative; or (iii) a person to whom the requests specifically pertains or his or her representative.

(b) The request must be filed in: (i) The superior court in which the movant resides; or (ii) the superior court in the county in which the record is maintained.

(c) In order to issue an injunction, the court must find that:

(i) The request was made to harass or intimidate the agency or its employees;

(ii) Fulfilling the request would likely threaten the security of correctional facilities;

(iii) Fulfilling the request would likely threaten the safety or security of staff, inmates, family members of staff, family members of other inmates, or any other person; or

(iv) Fulfilling the request may assist criminal activity.

(2) In deciding whether to enjoin a request under subsection (1) of this section, the court may consider all relevant factors including, but not limited to:

(a) Other requests by the requestor;

(b) The type of record or records sought;

(c) Statements offered by the requestor concerning the purpose for the request;

(d) Whether disclosure of the requested records would likely harm any person or vital government interest;

(e) Whether the request seeks a significant and burdensome number of documents;

(f) The impact of disclosure on correctional facility security and order, the safety or security of correctional facility staff, inmates, or others; and

(g) The deterrence of criminal activity.

(3) The motion proceeding described in this section shall be a summary proceeding based on affidavits or declarations, unless the court orders otherwise. Upon a showing by a preponderance of the evidence, the court may enjoin all or any part of a request or requests. Based on the evidence, the court may also enjoin, for a period of time the court deems reasonable, future requests by:

(a) The same requestor; or

(b) An entity owned or controlled in whole or in part by the same requestor.

(4) An agency shall not be liable for penalties under RCW 42.56.550(4) for any period during which an order under this section is in effect, including during an appeal of an order under this section, regardless of the outcome of the appeal.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Representative Appleton moved the adoption of amendment (431) to amendment (430):

On page 2, line 16 of the striking amendment, after "(3)" insert "(a)"

On page 2, at the beginning of line 22 of striking amendment, strike "(a)" and insert "(i)"

On page 2, at the beginning of line 23 of the striking amendment, strike "(b)" and insert "(ii)"

On page 2, after line 24 of striking amendment, insert the following:

"(b) The requestor may request review of the injunction by the court within forty-five days of the court's order."

Representative Appleton spoke in favor of the adoption of the amendment to amendment (430).

Representative Hunt against the adoption of the amendment to amendment (430).

Amendment (431) to amendment (430) was not adopted.

Representatives Armstrong and Hunt spoke in favor of the adoption of amendment (430).

Amendment (430) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Hunt and Armstrong spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5130, as amended by the House.

MOTION

On motion of Representative Santos, Representative Linville was excused.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5130, as amended by the House, and the bill passed the House by the following vote: Yeas, 94; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Goodman, Grant-Herriot, Green, Haigh, Halder, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood, and Mr. Speaker.

Voting nay: Representatives Appleton and Flannigan.

Excused: Representative Linville.

SUBSTITUTE SENATE BILL NO. 5130, having received the constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5344, by Senate Committee on Environment, Water & Energy (originally sponsored by Senators Ranker, Swecker, Rockefeller, Marr, Hargrove, Pridemore, Fraser, Shin, McDermott and Kilmer)

Providing an emergency response system for the Strait of Juan de Fuca. Revised for 1st Substitute: Concerning emergency response towing vessels.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Ecology & Parks was adopted. (For Committee amendment, see Journal, Day 65th, March 17, 2009.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage..

Representative Van De Wege spoke in favor of the passage of the bill.

Representative Short spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5344, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5344, as amended by the House, and the bill passed the House by the following vote: Yeas, 74; Nays, 23; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Appleton, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Dammeier, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Herrera, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Parker, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Santos, Seaquist, Sells, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Angel, Armstrong, Chandler, Condotta, Cox, Crouse, Driscoll, Grant-Herriot, Halder, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, Orcutt, Pearson, Ross, Schmick, Shea, Short, Walsh and Warnick.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5344,, as amendment by the House, having received the constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5595, by Senate Committee on Labor, Commerce & Consumer Protection (originally sponsored by Senators Keiser, King, Marr, Honeyford and Kohl-Welles)

Addressing the termination, cancellation, or nonrenewal of franchises between new motor vehicle dealers and manufacturers.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Wood and Condotta spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5595.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5595 and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, and Mr. Speaker.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5595, having received the constitutional majority, was declared passed.

The Speaker (Representative Moeller presiding) called upon Representative Roberts to preside.

There being no objection, the House advanced to the eleventh order of business.

COMMITTEE ASSIGNMENTS

The Speaker (Representative Roberts presiding) announced the following changes to committee assignments:

Representative DeBolt was assigned to the Committee on Technology, Energy & Communications.

There being no objection, the House adjourned until 9:55 a.m., March 19, 2009, the 67th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

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